

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

CASE NO.: 25-40977

23andMe, Inc.,

Chapter 11

Debtor.

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

Movant is an interested party, and at the present time, an *unwilling* 23andMe Customer.

As such, Movant hereby moves this Court to enter a restraining order, temporarily preventing the conclusion of the sale of 23andMe to any purchaser whatsoever, until such time as 23andMe removes any and all obstacles put into place by 23andMe and/or otherwise, preventing 23andMe's customers from deleting their accounts prior to the sale, until such time as actual notice is given to any and all 23andMe customers, of the removal of the obstacles put into place, preventing 23andMe's customers from deleting their accounts prior to the sale, along with a comprehensive explanation to 23andMe's customers of the possible ramification(s), legal and otherwise, from 23andMe's customers' failure to delete their accounts prior to the sale, enabling 23andMe's customers to make an informed decision regarding deleting their accounts prior to the sale, and granting sufficient time, after Notice and a comprehensive explanation, to 23andMe customers to delete their accounts prior to the sale, and requiring 23andMe to permit its customers to delete ALL of their information, including but not limited to, email addresses, both past and present, physical addresses, telephone numbers, government identification collected by

23andMe, and more, all of which could prove to be salable assets for the Buyer, and as grounds states:

1. On March 23, 2025, 23andMe filed for bankruptcy.
2. On various dates thereafter, (presumably all of) 23andMe's customers received an email from 23andMe regarding filing a Claim for the Cyber Security Breach experienced by 23andme, (*see* Exhibit A, attached hereto), but *as far as Movant can tell*, 23andMe did not send an email to its customers warning them regarding the inclusion of its customers' data in the sale of 23andMe in its bankruptcy case. Information about 23andMe's bankruptcy was posted on 23andMe's website, (emphasis added).
3. No notification was given to 23andMe's customers regarding the intended use by the Buyer of the only meaningful asset for sale, the DNA results and other personal information of 23andMe's customers'. Included in its *Questions Related To 23andMe's Chapter 11 Filing* was the Question and Answer, "Can I delete my data? Yes. Customers still have the ability to delete their data and 23andMe account. We remain committed to our users' privacy and to being transparent with our customers about how their data is managed," (*see*, https://customer.care.23andme.com/hc/en-us/articles/30805135934615-Questions-related-to-23andMe-s-Chapter-11-Filing_gi=1*sfdh28*_ga*MTQ1ODY0MDk3Ni4xNzQyODUxODIy*_ga_G330GF3ZFF*MTc0Mjc3Mjc5OC4yLjEuMTc0Mjc3Mjc2Ny4wLjAuMA..#h_01JSM8WGFH62R4BAGBGTWXZ1G3). The foregoing Answer given by 23andMe was and remains in part, false.

4. The reported "winner" of the bankruptcy auction was Regeneron Pharmaceuticals, for a whopping \$256 million dollars. It was then reported that a second auction would occur with an

opening bid of a whopping \$305 million dollars, (*see* <https://fortune.com/2025/06/05/23andme-auction-wojcicki-valuation-dna-data/>). (*See also*, <https://www.forbes.com/sites/larsdaniel/2025/05/21/what-regenerons-purchase-of-23andme-means-for-your-genetic-privacy/>).

5. When Movant discovered that 23andMe filed for bankruptcy and intended to sell its customers' DNA and other personal information, Movant attempted to delete Movant's account. Movant was also asked to assist in the deletion of at least 2 other accounts. Upon each attempted deletion, a screen requiring entry of the customer's birthdate, was encountered. Movant was unable to delete any of the 3 accounts entering the customer's birthdate, (*see* Exhibit B, attached hereto, stating "The birthdate you entered is incorrect. Please try again." The birthdate was *not* incorrect, (emphasis added).

6. After several attempts to "try again," Movant was met with a screen advising Movant to contact Customer Service. The attempt to contact Customer Service was met with a recording asking for a telephone number which Customer Service could use to contact the customer, (*see* Exhibit C, attached hereto, establishing 23andMe's solicitation of customers' "cell number(s)," as recently as January 31, 2025. Moreover, the email address to which 23andMe sent the January 31, 2025 solicitation email, was an email address Movant had previously deleted from Movant's account with 23andMe, establishing that in spite of deleting personal information from one's 23andMe account, 23andMe was retaining that information for purposes unknown.

7. Subsequent to leaving a message, Movant received an email from Customer Service, from an individual identified as "John." "John" advised that Movant would have to submit additional identification, after which 23andMe, not Movant, would allegedly delete Movant's account. Subsequent to the Cyber Breach, in addition to entering their email address and

password, customers were required to participate in two-factor identification. Now, in order to delete one's account, Movant was required to enter Movant's email and password, participate in two-factor verification, enter a birthdate, and if that did not work, submit additional personal identifying information in the way of a government I.D., all of which, given what Movant has observed, 23andMe intends to retain, and which would accompany the sale of its customers information.

8. Movant received emails from two additional "Customer Service" representatives, one of whom offered to delete Movant's account (not the other 2), upon receipt of a responsive email to do so. However, after Movant asked the Representative to provide Movant with additional information about this lawsuit, the Representative responded stating that a government I.D. would have to be provided, (additional personal, identifying information) to be sold), in order for the Representative, not Movant, to delete the account, (*see* Exhibits D and E, attached hereto).

WHEREFORE, movant hereby requests this Court enter an temporary Order as follows:

A. Temporarily barring the completion of the sale of 23andMe to any Buyer until such time as 23andMe:

1. Removes all impediments, other than entering the customer's email address, password, and participating in two-factor authentication, to 23andMe customers deleting their accounts on 23andMe as set forth above;

2. Requiring 23andMe to Notice its customers regarding possible ramifications of its customers failing to delete their accounts as set forth;

3. Ordering sufficient time after Nos. 1 and 2, for 23andMe's customers to delete their accounts from 23andMe;

4. Requiring 23andMe to permit its customers to delete ALL of their information, including but not limited to, email addresses, both past and present, physical addresses, telephone numbers, government identification collected by 23andMe, and more, all of which could prove to be salable assets for the Buyer; and

5. Ordering such other and further relief as this Court deems just and proper.

Dated: June 13, 2025.



E. Eichele, Movant
23andMe Customer
56 Rowland Drive
Fairborn, OH 45324
(561) 376-2131
e.eichele@protonmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was posted with Fedex, for Overnight Delivery to the Clerk of the Court, Thomas F. Eagleton U.S. Courthouse, 111 South 10th St., 4th Floor, St. Louis, MO 63102, and upon the Clerk's docketing, served via transmission of Notices of Electronic Filing generated by CM/ ECF upon all registered parties.



E. Eichele

EXHIBIT A

From: 23andmebankruptcynoticing@noticing.ra.kroll.com 23andmebankruptcynoticing@noticing.ra.kroll.com
Subject: IMPORTANT INFORMATION REGARDING POTENTIAL CLAIMS RELATED TO 23ANDME HOLDING CO.'S CHAPTER 11
CASES
Date: May 9, 2025 at 7:43 PM
To: [REDACTED]

*In re: 23andMe Holding Co., et al.,
Chapter 11 – Case No. 25-40976-357 (Jointly Administered)*

TO: All Current and Former Customers of 23andMe Holding Co. and its Debtor Subsidiaries (the “Debtors”):

On March 23, 2025, 23andMe Holding Co. and 11 debtor subsidiaries (collectively, the “Debtors”) each filed a voluntary petition for relief under chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Missouri, Eastern Division (the “Court”) (see Notice of Commencement).

The Court has entered an order (the “Bar Date Order”) setting deadlines (each, a “Bar Date” and collectively, the “Bar Dates”) for filing proofs of claim or requests for payment of certain administrative expenses in these chapter 11 cases.

This notice (the “Notice of Instruction”) is being provided to all current and former customers of 23andMe Holding Co. and its subsidiaries, including Lemonaid Health (collectively, “23andMe”), and is intended to provide such customers with additional information to assist in determining if you have a claim and filing proofs of claim. This notice will also be filed with the Court and accessible via the public docket. Receipt of this notice does not necessarily mean that you have a claim.

There are two claim packages (each, a “Bar Date Package” and collectively, the “Bar Date Packages”): the General Bar Date Package and the Cyber Security Incident Bar Date Package.

IF YOU ARE RECEIVING THIS NOTICE AND BELIEVE YOU HAVE A CLAIM AGAINST ANY DEBTOR, YOU MUST SUBMIT THE APPLICABLE PROOF OF CLAIM FORMS IN ACCORDANCE WITH THE INSTRUCTIONS SET FORTH BELOW ON OR BEFORE JULY 14, 2025.

THE FAILURE TO TIMELY SUBMIT ANY PROOF OF CLAIM ON OR BEFORE JULY 14, 2025 MAY RESULT IN THE WAIVER OF YOUR RIGHT TO ASSERT YOUR CLAIMS AGAINST THE DEBTORS AND YOUR RIGHT TO DISTRIBUTIONS ON ACCOUNT OF ANY SUCH CLAIMS UNDER A CHAPTER 11 PLAN IN THESE CASES.

Each of the Bar Date Packages correspond to a specific type of claim. **The following instructions are provided to determine which Bar Date Package applies to you:**

- Cyber Security Incident Bar Date Package. This package applies only if (i) you were a customer of 23andMe between May 1, 2023 and October 1, 2023, (ii) you received notice from 23andMe that your personal information was compromised in a data breach that was discovered and disclosed by 23andMe in October 2023 (the “Cyber Security Incident”), and (iii) you incurred monetary damages or non-monetary damages related to the Cyber Security Incident. In that case, you may hold a cyber security incident claim (a “Cyber Security Incident Claim”) and are a potential “Cyber Security Incident Claimant.” The Cyber Security Incident Notice, included herein as part of the Cyber Security Bar Date Package, provides instructions you must follow to submit this type of claim.
- General Bar Date Package. This package applies if you believe that you have any other

- **General Bar Date Package.** This package applies if you believe that you have any other claim against 23andMe and/or its subsidiaries that is **not** a Cyber Security Incident Claim. The General Bar Date Notice, included herein as part of the General Bar Date Package, provides instructions you must follow to submit this type of claim.
 - If you believe you have a claim arising from or related to the Debtors' DNA testing services (i.e., Ancestry Service, Health + Ancestry Service, 23andMe+ Premium and 23andMe+ Total Health), the Debtors advise that **23andMe, Inc.** is the primary Debtor entity engaged in that line of business.
 - If you believe you have a claim arising from or related to the Debtors' telehealth business, the Debtors advise that **Lemonaid Health, Inc.** is the primary Debtor entity engaged in that line of business.
 - If you believe you have a claim arising from or related to the Debtors' mail order pharmacy, the Debtors advise that **LPRXOne, LLC** is the primary Debtor entity engaged in that line of business.
- If you believe that you have a Cyber Security Incident Claim **and** any other type of claim against the Debtors, you must submit separate claims for your Cyber Security Incident Claim and any such other claim in accordance with the instructions below.

Additional information for customers who believe they have a Cyber Security Incident Claim: Please note that a settlement has been preliminarily and conditionally approved in the multidistrict litigation currently pending before the Honorable Edward M. Chen in the United States District Court for the Northern District of California, MDL No. 3098 (the "**Cyber Class Action**"). The Cyber Class Action is currently stayed as a result of these chapter 11 cases, not final, and the Debtors have not made a decision (and reserve all rights) with respect to the treatment of the prepetition settlement of the Cyber Class Action in these cases. To fully preserve your claim(s), a proof of claim must be submitted in accordance with the instructions provided in the Cyber Security Bar Date Package. **Failure to do so may result in a waiver of your participation in any distributions on account of your Cyber Security Incident Claim.**

Additional information regarding 23andMe's Chapter 11 filing, proceedings and claims process is available at <https://restructuring.ra.kroll.com/23andMe>. Questions about the claims process should be directed to the Company's claims agent, Kroll, at 23andMeInfo@ra.kroll.com, or by calling (888) 367-7556 (Toll-Free in US/Canada) or +1 (646) 891-5055 (International).

Nothing herein is an admission as to the amount of, basis for, or validity of any claim against any Debtor entity and all rights of the Debtors and other parties in interest are fully preserved as to any potential claims and proofs of claims filed in these chapter 11 cases.

EXHIBIT B



For added security, please enter the date of birth for [REDACTED] to complete this action.

Confirm date of birth

The birthdate you entered is incorrect. Please try again.

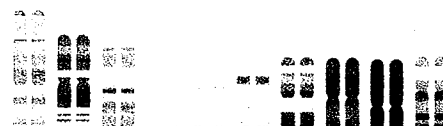
EXHIBIT C

From: 23andMe noreply@mail.23andme.com
Subject: Free things come to those who text ...
Date: January 31, 2025 at 3:52 PM
To: [REDACTED]

[View email in your browser.](#)



Hey it's 23   .
Get free shipping,
on us!  



Let's text. Sign up for text for free shipping on your
first order, and early access to sales and
exclusives you don't want to miss.

Claim offer by 2/7



You are receiving this email because you subscribed to 23andMe.
For information about our privacy practices, see our [Privacy Statement](#).

*Order by February 7, 2025 to receive free standard shipping on your purchase at
23andMe.com. Must use link in confirmation SMS.

By signing up via text, you agree to receive recurring automated promotional and personalized marketing text messages (e.g., cart reminders) from 23andMe at the cell number used when signing up. Consent is not a condition of purchase. Reply HELP for help and STOP to cancel.
Msg frequency varies. Msg & data rates may apply. View [Terms](#) & [Privacy](#).

Offer is valid for free standard shipping at checkout on 23andMe.com, placed after opting into SMS and clicking on the link in the confirmation SMS. Cannot be combined with other offers. The 23andMe service differs by country. Upon purchase you will be provided with the 23andMe service and reports applicable to your shipping address.

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23andMe, Inc. 223 N Mathilda Ave, Sunnyvale, CA 94086, USA

[Unsubscribe](#) from 23andMe news and updates emails

EXHIBIT D

From: customercare@23andme.com
Subject: Re: Thank you for calling 23andMe
Date: June 9, 2025 at 4:36 PM
To: [REDACTED]



Hello [REDACTED]

Your request has been updated below. Feel free to reply to this email with any questions or additional comments.

Taylor, Jun 9, 2025, 1:36 PM PDT:

Hello [REDACTED]

Your request was escalated to me. I understand you would like to delete your 23andMe account, and I can help you complete that action. Once your account has been closed, your genetic data will no longer be accessible. **To proceed in closing your account, please confirm your request in a direct reply to this email.**

The following applies when your account and data are deleted:

If you chose to consent to 23andMe Research by agreeing to an applicable 23andMe Research consent document, any research involving your data that has already been performed or published prior to our receipt of your request will not be reversed, undone, or withdrawn.

Any samples for which you gave consent to be stored (biobanked) will be discarded.

23andMe and our third party genotyping laboratory will retain Genetic Information, date of birth, and sex as required for compliance with applicable legal obligations, including the U.S. Federal Clinical Laboratory Improvement Amendments of 1988

Federal Clinical Laboratory Improvement Amendments of 1988 (CLIA), California Business and Professional Code Section 1265, and College of American Pathologists (CAP) accreditation requirements.

23andMe will also retain limited information related to your account and data deletion request, including but not limited to, your email address, account deletion request identifier, and record of legal agreements for a limited period of time as required by contractual obligations, and/or as necessary for the establishment, exercise or defense of legal claims and for audit and compliance purposes.

I will await your reply.

Best regards,

Taylor
The 23andMe Team

This email is a service from 23andMe Customer Care. [REDACTED]

EXHIBIT E

From: customercare@23andme.com
Subject: Re: Thank you for calling 23andMe
Date: June 9, 2025 at 5:45 PM
To: [REDACTED]



Hello [REDACTED]

Your request has been updated below. Feel free to reply to this email with any questions or additional comments.

Taylor, Jun 9, 2025, 2:44 PM PDT:

Hello [REDACTED]

As a previous team member has already mentioned to you, at this time we are only able to verify and correct a customer's birth date upon receipt of a valid government-issued photo ID. However, I understand you are not interested in providing an ID.

I'm happy to provide you with the sample kit barcode numbers registered to your 23andMe account if you're still interested, however it's unclear what other questions would be appropriate answered from Customer Care rather than the Court you've mentioned you're already in contact with.

I'll close this request for now, but feel free to reply here if you're interested in receiving those barcode numbers or proceeding with birthdate verification to confirm your identity in the future.

Best regards,

Taylor
The 23andMe Team